



COUNCILMEMBER DONNA FRYE
Council District Six
City of San Diego

M E M O R A N D U M

DATE: August 29, 2008 08-28

TO: Kelly Broughton, Director, Development Services Department

FROM: Councilmember Donna Frye

SUBJECT: Environmental review UTC project

Thank you for your August 11 reply to my July 30 memo requesting an explanation why I and other Councilmembers did not receive a final 71-page environmental document on the University Towne Center Revitalization Project until the day of the Council hearing.

While I appreciate your lengthy response and 19-point timeline, I did not find an answer to my basic question, which cited a San Diego Municipal Code section requiring that such documents be made available to decision-makers at least 14 days in advance.

If I understand correctly, you seem to assert that noting in a resolution that this document had been filed with the City Clerk was effectively the same as providing it to the Council for the required 14-day review. For the record, I disagree.

Is it your contention that the Draft Candidate Findings and Statements of Overriding Consideration does not have to be provided to the City Council 14 days in advance of the hearing? If so, how do you resolve that with the process spelled out in Municipal Code Chapter 12, Section 128.0310 (a)?

As a Councilmember charged with making a decision on this project, I should have been able to thoroughly review any final environmental documents provided to the Planning Commission. If they were going to be revised subsequently, I should have been told that.

The Municipal Code requires the minimum 14-day review except “when necessary to avoid conflict with time limits imposed by law.” I want to know, specifically, what was the emergency in the UTC project?

While I remain troubled about the process in this case, I am heartened by your assurance that, as a result of questions raised about it, there will be no more “confusion” from now on “in regards to the availability vs. distribution” of project environmental documents.

Thank you for your pledge to honor both the letter and spirit of the law.

CC/ Honorable City Council members

Honorable Mayor Jerry Sanders

Bill Anderson, Director, City Planning and Community Investment

City Attorney Michael Aguirre

Andrea Tevlin, Independent Budget Analyst

DF/cb